

## Structure of Utah's Courts

### Utah Supreme Court

#### **Five Justices: 10-year terms**

*The Supreme Court is the “court of last resort” in Utah. It hears appeals from capital and first degree felony cases and all district court civil cases other than domestic relations cases. The Supreme Court also has jurisdiction over judgments of the Court of Appeals, proceedings of the Judicial Conduct Commission, lawyer discipline, and constitutional and election questions.*

### Court of Appeals

#### **Seven Judges: 6-year terms**

*The Court of Appeals hears all appeals from the Juvenile Courts and those from the District Courts involving domestic relations and criminal matters of less than a first degree felony. It also may hear any cases transferred to it by the Supreme Court.*

### District Court

### Juvenile Court

#### **Seventy-one Judges/Nine Court Commissioners**

*District Court is the state trial court of general jurisdiction. The court hears civil cases, domestic relations cases, probate cases, criminal cases, small claims cases, and appeals from Justice Courts.*

#### **Twenty-six Judges/One Court Commissioner**

*Juvenile Court is the state court with jurisdiction over youths, under 18 years of age, who violate a state or municipal law. The Juvenile Court also has jurisdiction in all cases involving a child who is abused, neglected, or dependent.*

### Justice Courts

#### **One hundred eight judges**

*Located throughout Utah, Justice Courts are locally-funded and operated courts. Justice Court cases include misdemeanor criminal cases, traffic and parking infractions, and small claims cases.*

## Utah Supreme Court



*Utah Supreme Court Justices (l-r): Associate Chief Justice Michael J. Wilkins, Justice Matthew B. Durrant, Chief Justice Christine M. Durham, Justice Ronald E. Nehring, and Justice Jill N. Parrish*

## Utah Court of Appeals



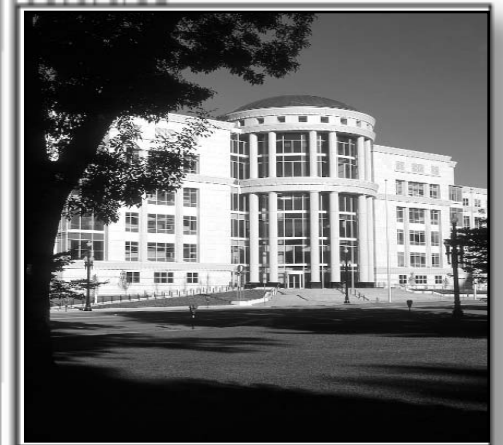
*Utah Court of Appeals judges (standing l-r): Judge William A. Thorne, Jr., Judge Pamela T. Greenwood, Judge Judith M. Billings, Judge Gregory K. Orme, Judge Carolyn McHugh (seated l-r) Judge James Z. Davis, and Judge Russell W. Bench*



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## Utah State Courts

# Utah's Appellate Courts



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## Utah's Appellate Courts

Simply stated, Appellate Courts are courts of review. The primary function of Appellate Courts is to review the decisions of trial courts and administrative agencies to decide if their decisions are correct. If someone is unhappy with the outcome of a trial, they may appeal the decision. Utah's state court system has two appellate courts: the Utah Supreme Court and the Utah Court of Appeals.

### Appellate Court Process

Appellate Courts do not hear evidence and no one testifies before an Appellate Court. Instead, after reviewing briefs from the lawyers and the record on appeal, the Appellate Court determines whether the decision of the trial court or administrative body was correct. The court may grant each side an opportunity to present an oral argument. Attorneys are allowed 15 or 20 minutes to explain why the court should rule in their favor. After hearing the oral arguments and reading the briefs, the judges confer and vote and one of the judges writes an opinion explaining the court's decision. Appellate Court opinions become law and are often used by lawyers in deciding similar disputes.

### Utah's Supreme Court

The Supreme Court is the "court of last resort" in Utah. The court is comprised of five justices who serve ten-year, renewable terms. The justices elect a chief justice by majority vote to serve for four years and an associate chief justice to serve for two years.

The Utah Supreme Court has jurisdiction to answer

questions relating to state law certified from Federal Courts. The court has appellate jurisdiction to hear first degree and capital felony convictions from the District Court and civil judgments other than domestic cases. The court also reviews formal administrative proceedings of the Public Service Commission, Tax Commission, School and Institutional Trust Lands Board of Trustees, Board of Oil, Gas, and Mining, and the State Engineer. The Supreme Court also has jurisdiction over judgments of the Court of Appeals by writ of certiorari, proceedings of the Judicial Conduct Commission, and both constitutional and election questions.

The Supreme Court conducts sessions regularly at the Matheson Courthouse in downtown Salt Lake and occasionally sits in other locations. During the first week of every month, the court schedules oral arguments.

The Utah Supreme Court adopts rules of civil and criminal procedure and rules of evidence for use in the state courts and manages the appellate process. The court also governs the practice of law in Utah, including admission to the practice of law, as well as the conduct and discipline of lawyers.

Utah Supreme Court Justices are as follows: Chief Justice Christine M. Durham, Justice Matthew B. Durrant, Associate Chief Justice Michael J. Wilkins, Justice Jill N. Parrish, and Justice Ronald E. Nehring.

### Utah's Court of Appeals

The Utah Court of Appeals was created in 1987 and

consists of seven judges who serve six-year, renewable terms. A presiding judge is elected by majority vote to serve for a two-year term. The Court of Appeals hears all appeals from Juvenile Court. The Court of Appeals also hears all appeals from District Court that involve domestic relations, including divorce, annulment, property division, child custody, support, visitation, adoption and paternity, and criminal matters of less than a first degree. The Court of Appeals reviews appeals of administrative proceedings by state agencies and hears cases transferred by the Utah Supreme Court.

The Court of Appeals sits and renders judgment in rotating panels of three judges. The court is prohibited by law from sitting en banc--all seven members at once. The Court of Appeals conducts sessions at the Matheson Courthouse in downtown Salt Lake, but also travels several times during the year to various regions of the state. The panels generally hear oral arguments the third and fourth week of each month.

Court of Appeals Judges: Judge Russell W. Bench, Judge Judith M. Billings, Judge James Z. Davis, Judge Pamela T. Greenwood, Judge Gregory K. Orme, Judge William A. Thorne, Jr., and Judge Carolyn McHugh.

### Appellate Court Mediation

By the time a case reaches the appellate level, both parties have invested considerable time, money, and emotional energy. These factors will only increase as a case goes through the appeals

process.

The Appellate Mediation Office offers an alternative to litigation. This office helps parties settle their disputes in a non-threatening, risk-free, and confidential environment. Mediation brings participants together in a neutral format where they can develop workable solutions. While participation in an initial mediation conference is mandatory, settlement is voluntary.

Mediation saves time, money, and emotional energy. Costs of an appeal can be as much as \$30,000, while mediation typically costs about \$5,000. In addition, the mediation process takes, on average, about two months, while the appeal process can take as long as two years.

### Appellate Court Definitions

**Appellant:** The party that brings the appeal to the court, claiming the trial court or administrative body erred.

**Appellee:** The party that resists the appeal, contending the decision of the trial court or administrative body was correct.

**Brief:** A written statement by lawyers that explains a party's position.

**Record on Appeal:** The documents, including exhibits, that the trial court judge or administrative body considered in deciding the case, as well as verbatim transcripts of any hearings and the trial.